

**DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Thursday February 2, 2006**

Members Present:

Russell Timms, DDS, Chair
Mark Koday, DDS, Vice-Chair
Marshall H. Titus, DDS
John Davis, DDS, JD
Abdul Alkezweeny, PhD, Public Member
Karen Homitz, DDS

Padmaraj Angolkar, DDS
Bernie Nelson, Public Member
Jessica Saepoff, DDS
Fred Quarnstrom, DDS
Robin Reinke, DDS

Staff Present:

Lisa Anderson, Health Services Consultant 3
Joy King, Executive Director
Josh Shipe, Health Services Consultant 3
Jennifer Bressi, Health Services Consultant

Mickey Wardell, Health Services Consultant
Elyette Weinstein, Staff Attorney
Peter Harris, Staff Attorney

Others Present:

David Hemion, WSDA
Melissa Johnson, Lobbyist, WSDHA
Joella Pyatt, WSDHA

David Houten, DDS, WSDA
John Versnel, Esquire
Cindy Gideon, AAG

OPEN SESSION:

1. CALL TO ORDER – Russell Timms, DDS, Chair called the meeting to order at 7:05 p.m.

- 1.1. Introduction of Audience – the audience introduced themselves.
- 1.2. Approval of Agenda – The agenda and additional agenda were approved as presented.
- 1.3. The December 8, 2005 business meeting minutes, & December 9, 2005 Panel A & B minutes were reviewed. The December 8, 2005 minutes were approved as presented and December 9, 2005 Panel A & B minutes were approved with corrections.
- 1.4. The December 6, 2005 Disciplinary Hearing minutes were approved as presented.
- 1.5. The January 9-10, 2006 Disciplinary Hearing minutes were approved as presented.

2. PRESENTATIONS

2.1. Presentation – Health Care Authority (HCA) – Status of SHB 1689 - Dental Residency Grant Program, Loly Reyes-Gonzalez, Dr. Mark Koday, and Connie Mix Clark.

Loly Reyes-Gonzalez, Executive Director of the Community Health Services at the Health Care Authority presented a power point presentation detailing the administrative function of the dental residency program. SHB 1689 passed the legislature in 2005 and provides dental school students an opportunity to complete a year of residency after graduating in lieu of taking the clinical dental exam. The legislation provided \$395,000 to implement this program and the biennium budget was established as \$110,000 allocated to grant recipients and \$5,000 to administrative costs for fiscal year 2006 and \$270,000 to grant recipients and \$10,000 to administrative cost for fiscal year 2007. Collaboration with between HCA and DOH and Dr. Koday is essential to creating this program. There has been review of WAC 182-20 for possible amendment to language. HCA is responsible for accountability and is establishing a process for quarterly and annual reports.

Dr. Koday presented on behalf of the Yakima Valley Family Workers Clinic – and the Northwest Dental Residency Program. They currently have clinic sites in Yakima, Toppenish, Grandview and Spokane and have established a partnership with University of Washington School of Dentistry. There are currently 1300 employees with 17 dentists and 10 hygienists throughout 9 clinics. The emphasis is small rural communities.

The PGY-1 program provides a one-year training program for up to 7 residents and will increase access to the public in need of the services. The program hopes to be self supporting in the future. The current concern is establishing the assessment criteria to determine whether or not graduates of the program are competent to practice dentistry and if they will be granted licensure here in Washington, and concerns with mobility of

dentists granted licensure under this program should they choose to relocate to other states. The initial residency program will begin July 1, 2006 through June 30, 2007.

3. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY

GENERA, STAFF ATTORNEY, INVESTIGATORS – Joy King, Executive Director, Lisa Anderson, Health Services Consultant, Josh Shipe, Disciplinary Manager, Sandra Adix, AAG, Staff Attorney, Investigators

- 3.1. Budget Report – the November and December 2005 interim operating report was provided to the Commission. Ms. Anderson explained that the Department has been evaluating dental revenue and conducting fee studies is going to have to consider an increase to the current dentist license renewal fee. Program staff is currently awaiting further direction from the budget office as to when to begin the process.
- 3.2. DQAC Business Plan – Secretary Selecky has asked that all B/C/C's add her 4 points of patient safety to their business plans. The Commission was presented with the amended business plan for the 2005-2007 biennium and determined they would like to review further and discuss this item again at the March 2006 meeting.
- 3.3. Legislation – HB 2463 Dental Licensure, SB 6418 Dental Hygiene Initial Limited License, SB 6419 HB 2816 Pilot Projects for Dental Hygiene, SB 6666 Board of Dental Hygiene. Mr. Hemion with WSDA indicated that HB 2463 will seek a floor amendment to make a technical correction. Ms. Johnson with WSDHA indicated that the 3 hygiene bills were progressively moving forward at this time.
- 3.4. DQAC Recruitment- 2006, Dr. Reinke, Dr. Sinha, and Dr. Titus's appointments expire on June 30, 2006. All three are eligible for reappointment. Dr. Reinke has indicated that she will not be applying for reappointment. Dr. Sinha and Dr. Titus indicated that they will be applying for reappointment. Ms. Anderson has spoken with WSDA to assist with recruitment and with announcing available positions. Interested applicants should apply directly to the Office of the Governor.

4. RULES WAC 246-817 UPDATE

- 4.1. Dental continuing education amendment (WAC 246-817-440). The Commission will be holding a Rules Hearing on Friday, February 3, 2006 at 8:30 a.m. to possibly adopt the proposed rule. If the proposed rule is adopted by the Commission, the rule will take effect 31 days after filing with the Code Revisers Office.
- 4.2. Dental Anesthesia Committee – DAC (WAC 246-817-700's), the committee has scheduled 2 public forums, 2-25-06 in Spokane and 3-18-06 in Seattle to receive public comment. Announcements were e-mailed to ListServ and a physical mailing went to all individuals holding permits for general anesthesia and conscious sedation in

Washington. The committee estimates to have proposed recommendations to the Commission by July 2006.

- 4.3. Dental Residents SHB 1689 Post Graduate Year 1, Ms. Anderson reported that the first meeting with Dr. Koday, Dr. Titus, and Dr. Davis is scheduled for February 10, 2006.
- 4.4. Dental License without Examinations (WAC 246-817-130, 135, 140), WSDA is sponsoring HB 2463 and once we know the status of that legislation, staff can proceed with this rule amendment.
- 4.5. Delegation of duties rules (WAC 246-817-500's), 2003 legislation regarding antimicrobials – Staff will be preparing a proposed amendment to WAC 246-817-560 to add placement of antimicrobials to the list of duties that dental hygienists can do under the close supervision of a licensed dentist.
- 4.6. Dental Licensure related rules SB 5966 – Waiting for outcome of 2006 legislation which will establish that currently in practice means 288 hours per year.
- 4.7. Sexual Misconduct Rules – Ms. Anderson provided examples of language used in other sexual misconduct rules for the medical and physical therapy programs. The Commission authorized moving forward with the CR101 to start developing a sexual misconduct rule specifically for WAC 246-817.

5. SKILLS ASSESSMENT AND REMEDIATION

Dr. Timms led the Commission in a discussion if there should be a formalized system that each disciplinary panel uses to determine when to require a skills assessment and what should be assessed. Mr. Shipe reported on his research of other states and indicated that California has an agreement with schools in their area for a remediation program. California indicated that they would be willing to accept Washington State dentists into the program when needed. Dr. Davis and Mr. Shipe will work together in contacting Dr. Robert O'Neal at the University of Washington to see if this type of program would work in Washington with the U of W, School of Dentistry. The Commission asked that Dr. O'Neal be invited to a commission meeting for discussions.

6. INFORMED CONSENT – Russell B. Timms, Chair

- 6.1. What constitutes, when is it needed and appropriate, do we need a WAC on this topic?
Ms. Adix, AAG was unable to attend this meeting but did provide Ms. Anderson with some basic information. Ms. Adix would like more time to research historical AAG advice and case law. Dr. Davis indicated the attorney John Versnell would be willing to provide the Commission with a presentation on informed consent at a future meeting. Ms. Adix will be asked to present information on Informed Consent at the March 2006 meeting.

7. **RECUSAL** – Reasons for recusal – This is just a reminder that commission members should recuse themselves from cases whenever there may be an appearance of bias.

8. AMERICAN DENTAL ASSOCIATION (ADA); AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE); AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA); THE DENTAL ASSISTING NATIONAL BOARD, INC (DANB)

- 8.1. Letter dated November 29, 2005 regarding nominations for the public member of National Dental Examinations. Provided to Commission as information only.
- 8.2. ADA memo dated January 11, 2006 from Paul Simms regarding ADA House of Delegates and Council related information. Provided to Commission as information only.
- 8.3. AADE, Winter 2006 the Bulletin. Provided to Commission as information only.
- 8.4. DANB, Winter 2006 Certified Press. Provided to Commission as information only.
- 8.5. DANB, January 19, 2006 memo to State Dental boards regarding questionnaire results. Provided to Commission as information only.

9. WESTERN REGIONAL EXAM BOARD (WREB)

- 9.1. Need for additional Dental Examiners – A recommendation for additional examiners from Washington State was needed prior to the meeting and Dr. David Houten indicated his interest in serving as a WREB examiner. The Commission agreed with the recommendation and staff has notified WREB.
- 9.2. Annual meeting report – The bylaws changed voting and WREB will no longer be using proxy's. WREB created a dental hygiene position. The WREB name did not change they just added a line "A National Dental & Hygiene Testing Agency" after "WREB".
- 9.3. WREB, January 16, 2006 memo from Dr. Sims offering a presentation to keep the states up to date. The Commission asked staff to coordinate with WREB for a representative to attend a future DQAC meeting.
- 9.4. WREB, January 18, 2006 Board of Director's meeting minutes. Provided to Commission as information only.

10. CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)

- 10.1. Annual meeting announcement – March 2-4, 2006 – Dr. Timms, Dr. Reinke, Joella Pyatt, RDH, and Corrine Boes, RDH will be attending this meeting. In addition, Dr. Bruce Kinney will be attending as Washington is allowed 6 paid slots for this conference. Dr. Kinney, a past DQAC members, is also a CRDTS examiners.
- 10.2. Status of contract N14747. Provided to Commission as information only.
- 10.3. CRDTS list of examiners and date of exam. Provided to Commission as information only.

11. SOUTHERN REGIONAL TESTING AGENCY (SRTA)

- 11.1. Letter dated December 22, 2005 regarding changes to the exam. Provided to Commission as information only.

12. COUNCIL OF INTERSTATE TESTING AGENCIES (CITA)

- 12.1. Letter dated January 17, 2006 to Scott Houfek, DDS from Delma Kinlaw, DDS. Provided to Commission as information only.
- 12.2. Letter dated January 23, 2006 to DQAC asking for DQAC's recognition of their exam. The Commission will review this request at the March meeting. Ms. Anderson will respond to CITA regarding DQAC's intentions of reviewing at the March meeting.
- 12.3. Letter dated January 24, 2006 to DQAC inviting Commission member to their next meeting on March 18, 2006.

13. STAFF/COMMISSION MEMBER REPORTS

- 13.1. Statistical information for University of Washington presentation - Dr. John Davis. On January 20, 2006 Dr. Davis provided a presentation to senior dental students at the UW regarding the Commission, licensure and disciplinary processes.
- 13.2. December 20, 2005 Governors Conference & Reception. Several Commission members attended. Everyone found the conference to be informative. Dr. Saepoff indicated she felt honored to have attended the conference and the reception at the Governor's mansion and that she felt very much a "part of" government.

14. CORRESPONDENCE

- 14.1. Letter dated December 9, 2005 from Tom Hornbein, MD and Sam Cullison, MD for Washington Physician Health Program. The letter announced Dr. Hankes retirement and recruitment for a new Director. DQAC's contract with WPHP stays the same and services should not be interrupted.
- 14.2. Letter dated January 3, 2006 from Steven Kelner, DMD, MS with Nova Southeastern University regarding commission on dental accreditation status. Ms. Anderson wrote letters to each school that were ADA/CODA granted approved after 1993 and NOVA was the only school that requested acceptance of its accreditation by this Commission. The Commission approved NOVA accreditation until such time as the rules can be amended.

15. CONSENT AGENDA

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.

15.1. Newsletters / Articles – the listed items were provided to the commission members by email as information only.

- 15.1.1. Quackwatch article regarding the Mercury Amalgam Scam
- 15.1.2. NCAHF Position Paper on Amalgam Filling-2002
- 15.1.3. Raising the Bar for Health Care – Office of the Governor November 2005
- 15.1.4. Quackwatch News Release regarding Cavitat's 510(k)
- 15.1.5. November 18, 2005 article – Rule Defines Sexual Misconduct for Doctors
- 15.1.6. December 9, 2005 article – Toothless Discipline
- 15.1.7. December 27, 2005 article – Protecting Public Health is Job No. 1
- 15.1.8. December 21, 2005 article – Bad med Students, Bad Docs - Dr. Kody mentioned that this was an interesting study between students and doctors.
- 15.1.9. Health Professions Quality Assurance (HPQA) update
- 15.1.10. Department of Health – The Sentinel December 2005

16. POLICIES/INTERPRETIVE STATEMENTS, OPINIONS

Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.

17. EXECUTIVE SESSION

The term “executive session” is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

18. FUTURE COMMISSION BUSINESS

19. BUSINESS MEETING ADJOURNMENT

With no further business the meeting was adjourned at 10:00 p.m. The Rules Hearing will begin at 8:30 a.m. on February 3, 2006 and disciplinary panel will begin at 9:00 a.m. on February 3, 2006.

Respectfully Submitted By:

Jennifer Bressi, Health Service Consultant 1

Commission Approval By:

Russell Timms, DDS, Chair